

No. ____

In The
Supreme Court of the United States

DEMARIO BARKER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals for the
Seventh Circuit**

**MOTION TO PROCEED IN FORMA PAUPERIS AS TO
PETITION FOR A WRIT OF CERTIORARI**

Charles C. Hayes
*Court Appointed
Counsel*

Hayes Ruemmele, LLC
22. E. Washington St. Suite 610
Indianapolis, IN 46204
(317) 491-1050
charles@chirlaw.com

1. Petitioner Demario Barker, through counsel, respectfully moves for leave to proceed *in forma pauperis* and submits as follows:
2. This case is before the Court on a petition for writ of certiorari.
3. Demario Barker is a federal prisoner incarcerated at FCI Jessup in Jessup, GA.
4. On April 29, 2022, Charles C. Hayes appeared on this case as CJA appointed counsel under cause number 1:20-cr-316, pending before the Southern District of Indiana, having been appointed on May 9, 2022, with an effective date of April 28, 2022, pursuant to Section 2255 of the Criminal Justice Act. Barker. Defendant was originally appointed CJA counsel on January 19, 2021, with an effective date of January 15, 2021.
5. Charles C. Hayes has continued on with his representation on appeal before the Seventh Circuit as CJA appointed counsel.
6. The order at the trial level appointing counsel was docketed in the trial court as document number 21.
7. The Order mandating that Charles C. Hayes remain on the case at the appellate level was docketed by the 7th Circuit Court of Appeals as document number 5.
8. The Petitioner was found indigent in the district court and Court of Appeals.
9. The case at the Seventh Circuit proceeded *in forma pauperis*.
10. Petitioner remains incarcerated today and there has been no change in his financial status.

11. Barker is without funds to secure the services necessary to proceed in this Court (e.g., printing fees, etc.) or to pay any fees.

12. Undersigned counsel affirm that all statements related above are true and correct.

WHEREFORE, Demario Barker requests that this Court allow him to proceed *in forma pauperis*.

Respectfully submitted,

s/ Charles C. Hayes 

Charles C. Hayes
Counsel Appointed Counsel for Demario Barker
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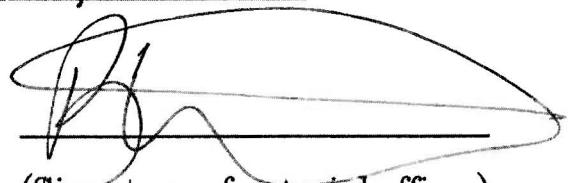
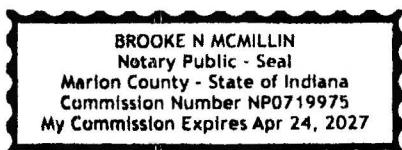
INDIANA NOTARY ACKNOWLEDGMENT

State of Indiana

County of Marion

I, a Notary Public, hereby certify that Charles C. Hayes whose name is signed to the foregoing instrument or conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document executed the same voluntarily on the day the same bears date. Given under my hand this 1st day of April, 2024.

(Seal, if any)



(Signature of notarial officer)

Title (and Rank): Notary Public

My commission expires: 04/24/27

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Respectfully submitted,

HAYES RUEMMELE LLC

/s/ *Charles C. Hayes*
Charles C. Hayes

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